

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOHN R. SHIELDS,

Petitioner,

– against –

GEORGE B. DUNCAN,

Respondent.

MEMORANDUM, ORDER,
& JUDGMENT

02-CV-6713

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 18 2012 ★

BROOKLYN OFFICE

JACK B. WEINSTEIN, Senior United States District Judge:

Petitioner moves to reopen his case and for reconsideration of his prior petition for a writ of habeas corpus. *See* Pet.'s Letter, Doc. Entry 41, June 6, 2012. He does not claim innocence, but requests that the court reduce his sentence on the grounds that his conduct no longer meets the standard for the crime of conviction. *See* Tr. of Hr'g, July 16, 2012.

Petitioner's original motion for a writ of habeas corpus was denied on October 20, 2003. *Mem., Order, & J.*, Doc. Entry 20, Oct. 30, 2003. A certificate of appealability was denied by the Court of Appeals for the Second Circuit. *Mandate*, Doc. Entry 24, Feb. 14, 2005. Leave to file a second or successive habeas petition was also denied. *Mandate*, Doc. Entry 29, Mar. 3, 2007.

On September 29, 2011, petitioner moved this court pursuant to Federal Rule of Civil Procedure 60(b) for reconsideration of its prior judgment. Doc. Entry 33, Sept. 29, 2011. Counsel was appointed. Doc. Entry 32, Oct. 11, 2011. Believing that the motion might constitute a second or successive habeas petition, he requested that the case be administratively closed to permit the petitioner to move the Court of Appeals for the Second Circuit for leave to file such a petition. Pet.'s Mot. to Continue, Doc. Entry 36, Nov. 17, 2011; *see also* Order, Doc.

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Entry 29, Dec. 7, 2011 (closing the case). The Court of Appeals again denied him leave to file a second or successive petition. Mandate, Doc. Entry 40, Apr. 24, 2011.

Petitioner's motion cannot be granted. No ground for reopening the case or granting any form of relief has been shown.

The motion to reopen and for reconsideration is denied. A certificate of appealability is denied.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Jack B. Weinstein", is written over a horizontal line.

Jack B. Weinstein
Senior United States District Judge

Dated: July 16, 2012
Brooklyn, New York